forecourts, beyond the general line, are all left to the discretion of the district surveyor.

We may mention that the surveyors appointed after the new Act comes into operation are to reside, or to have their principal place of business, each in his district. And this will bring us to the provision in the Bill quietly to transfer to the Office of Works the appointment, not only of the architectural referee and the assistant surveyor, but of all future district surveyors, and which gives them power to dismiss at pleasure any district surveyor, and to consolidate or alter the limits of districts, thus depriving the magistrates of the metropolitan districts of a privilege which they have long exercised. We cannot view this change favourably, and hope it will not be persisted in. It is true that, under the present arrangement, connection and influence will enable an inferior man (nevertheless qualified) to succeed in opposition to one with stronger claims on the public and better qualified for the office, but without friends. Still by dint of canvassing he *may*, perchance, ultimately succeed. Under the proposed arrangement, however, it is to be feared that the appointments would be confined wholly to a *clique*, and that men unconnected with the office would have no chance of success.

Centralization, without obviously great advantage, should be opposed.

Our readers will remember that an inquiry into the proceedings of the present Buildings Office was instituted some time since by the Office of Works. The gentlemen to whom this was confided were Mr. J. Mellor, barrister, and Mr. Joseph Gwilt, architect. Their report, on which, as we suppose, the present Bill was framed, has been printed for the House of Commons, and will soon be open to us, when we shall probably see the reasons which have influenced the proposed changes. We add two communications relative to the Bill, one from a general practitioner, and the second from a district surveyor, whose view of the proposed constitution of the Court is somewhat different from our own.

COMMUNICATIONS AS TO THE NEW METROPOLITAN BUILDINGS BILL.

THE new Bill to supersede the present Metropolitan Buildings Act, seems, speaking generally, well digested and drawn, and only requires correction and modification to make it, in my opinion, work well and beneficially for the public, and infinitely superior to the present Act, which is so complex and ambiguous that it constantly creates doubts, delay, annoyance, and unnecessary expense; and in some cases it is rendered wholly nugatory by the differences which arise between the architectural and legal Officers who have to adjudicate thereon. For instance: a doubt arises between two parties; the matter is referred to the official referees; the whole of the business is gone through before them and the registrar, and the award of the former is tendered to the latter to affix his seal: he differs on a point of law, and refuses to attach it: the matter is then sent to the Commissioners of Works and Buildings for their decision, and very often they confirm the view taken by the registrar: thus all the proceedings are upset at last, instead of at first, as they should have been. The Bill proposes that the Metropolitan Buildings Office should assimilate to a County Court, a judge (a barrister of seven years' standing) to preside, to determine, first, whether the subject-matter be within the jurisdiction of the law, and the preliminary proceedings be correct; and then to decide on the matter of fact, with the advice of the architectural referee: thus, to a great extent, illegal awards will be avoided, and the public will not be inconvenienced by unnecessary delay and useless expense as at present. *Viva voce* hearings in all petty cases: arbitration where necessary: trial by jury of five in case of easements or otherwise where required, and the opinion of the Superior Courts readily obtained by the judge if needed. Proper officers would be attached to the Court to afford information, and serve the necessary summonses, and parties aggrieved as to charges made for party structures, excessive fees, &c. could speedily obtain redress: all this, I am persuaded, would work well.

The schedules attached to the Act are more distinctly classified and are much more clearly defined and simplified than the present—the annoying distinction between the dwelling-house and warehouse classes would be abolished—the thickness of walls modified—the extent of the first and fourth rate houses very properly enlarged—a greater discretion would be given to the district surveyors, much, I should say, for the benefit of the public, by preventing frivolous references, and a still greater discretion would be given to the Commissioners of Works and Buildings by sec. 70, as to modifying the strict rules of the Act in special cases, and also generally, if requisite, to prevent undue injury, loss, and inconvenience to any parties concerned, and the fees of the District Surveyors would also be modified, inasmuch as the words "not exceeding" are inserted for certain works instead of a positive amount as at present.

All public buildings would be placed under the supervision of the architectural referee, and he would be bound to certify, if required, before the works proceed, whether they might or might not be carried out as proposed, instead of the present most objectionable practice of refusing to do so and reserving the right of objecting when the works are done.

Schedule K provides that all buildings *and their appendages* must be constructed *and maintained* in a safe and secure manner, not only in reference to *the public*, but to the inmates, which, as regards the latter, is an excess on the present law, therefore greater responsibility would be thrown on the architectural referee and district surveyors. The majority of the latter consider that such a responsibility with regard to public buildings would be too great for the small amount of fees which they would be entitled to; they therefore would willingly resign this supervision and the fees attached thereto to the architectural referee, who would be paid by salary in addition thereto, and therefore would be properly remunerated for this responsible duty. It is considered also that it would be better to refer these buildings to one person than to the district surveyors in their respective districts, as it would secure a uniformity of practice as to the necessary substantiability, &c. The only defect which is apparent in this portion of the Bill is, that a provision is not made for a ready appeal against the decision of the architectural referee to two other referees, or to the Commissioners of Works and Buildings, in case of his exciting any arbitrary rule of practice.

As to the necessity for law being paramount, I will give an instance. I had a case where a stone pedestal to an area enclosure of one owner was alleged to be injurious, by the adjoining owner, to his house, inasmuch, *inter alia*, as it would be used as a urinal: the official referees decided in his favour. The registrar objected on a point of law, namely, that the person committing the nuisance would be the delinquent in the eye of the law, and not the pedestal, therefore the award was bad: and the whole of the proceedings, which occasioned much trouble, fell to the ground. * *

Lastly, I repeat that the Bill appears to me well drawn as a whole. I sat on Lord Morpeth's committee, the result of which was the proposed Bill of 1849; and also as a district surveyor upon all the committees connected with our association, and have given the matter most mature consideration; I therefore have not hastily arrived at this decision: there may be some things in the Bill upon which it may be unnecessary to legislate, but, as they are all more or less under the law at present, and have been put there by the Legislature, it is not for me to make any remark thereon; so I leave that matter in your hands, and subscribe myself,

A DISTRICT SURVEYOR.

IT is evident that the attempt to supersede lawyers, and to establish a court of reference, will not be allowed to succeed in our law-loving and law-ridden country. After a trial of five or six years of our architectural court of reference under the present Act, it is found, or assumed, that it will not work pleasantly, and it may safely be inferred, without seeking for other causes, that the differences which have arisen upon the points of law between the official referees and the registrar have given ground for the proposed demolition of the present edifice, and for erecting on its ruins an architectural county court, corresponding in design with the courts which the reform movements in the law have lately forced into existence. Such is the result of the awful words, "*it is not strictly legal;*" and as these, to an English ear, suggest processes of endless vexation, from the bailiff's limbo to the hopeless Inferno of Chancery, we are all willing to submit to any infliction which the learned professors of law recommend, to avoid the chance of becoming acquainted therewith, and in hopes of obtaining uniformity of judgment and infallible decisions. Whether, however, these can be obtained by the proposed system; whether the autocratical decrees of a single judge will inspire more confidence, and give greater satisfaction, than the careful investigations and opinions of three professional architects, is now to be tried; but when in almost all the other courts of law we see the decision of one judge often overruled and set aside by his superior court; when a Vice-Chancellor's opinion one day, is declared, by the Chancellor, on the next, to be contrary to equity; and when, as we have lately seen, the whole bench of judges split into adverse opinions upon a purely legal case, one cannot feel perfect confidence or security that even in the proposed court the legal decisions will be more strictly legal than they are or might be under the present system.

It would be presumptuous, however, to give a decision upon the merits of the two systems, or to call in question the judgment of the Commissioners of Woods, &c. in proposing the new Act, without being acquainted, as they must be, with all the causes of failure under the present Act. It is understood that such an inquiry has been made by them, and as this inquiry forms the basis for the proposed changes, which amount to a *supersedeas* of the official referees, and is almost a penal Act against the whole architectural profession, depriving it of official station, the evidence which has been taken on the subject should be laid before Parliament.*

The merits or demerits of the proposed Bill, and the discussions that will principally arise thereon, are all the results of the suggested appointment of a single judge combined with the arrangements of a County Court. In these respects it has gone a wide step beyond the Bill proposed last year by Lord Carlisle, which, while it established a single judge, retained the then architectural referees. This shadow of a Bill but precluded the coming round of a fully-developed legal court, and, if it is really necessary to revise the present Act, with a view to reform the working of the court, if the present Bill is not merely one of those dioramic or dissolving views of change with which the profession has been annually amused, the building interest in general must now come to a decision, either for adopting the principle of the proposed court as now suggested, or recommending the principle suggested by Lord Carlisle.

The advantages of a single judge with an open court and magisterial jurisdiction, are obvious in many cases, and will probably be acquiesced in, on the whole, as an improvement upon the present system. The objections to the details of the Bill are also equally obvious, and must have struck every professional reader of the abstract which was published in THE BUILDER in a late number. The ap-

* This has since been done.